



City of Seattle

Department of Planning and Development
Diane M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3013614
Applicant Name: Tonkin Hoyne Lokan
Address of Proposal: 6818 62nd Avenue Northeast

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into two parcels of land. Proposed parcel sizes are 35,984 square feet, and 78,125 square feet. The existing structure on site will remain. Environmental review is being conducted under Project # 3011548.

The following approval is required:

Short Subdivision - to divide two existing parcel into three parcels of land.
(SMC Chapter 23.24)

Special Exception – to allow for more than six lot separate lot lines and for curved lot lines (SMC 23.24.040B).

Variance – to allow less than the required width for vehicular access (SMC 23.53.025D1 and D2).

BACKGROUND DATA

Zoning: Lowrise Three (LR3).

Uses on Site: Multi-family housing complex.

Substantive Site Characteristics:

The single lot totals approximately 114,109 square feet. The lot, called Parcel B, lies within the Sand Point Naval Air Station Landmark District. 62nd Avenue Northeast forms its western boundary. On the east lies Sports Field Drive Northeast and playfields beyond. To the south is a highly vegetated area of Magnuson Park and a parcel to the north has a housing complex. A portion of the subject site includes the recently constructed Brettler Family Housing complex. DPD is currently reviewing a MUP application for an additional 15-unit, three-story low income housing structure for Parcel B.

The large site has a declination of approximately 30 feet beginning along the 62nd Ave NE and sloping toward the east. The large lot has a total of roughly 453 linear feet of frontage on 62nd Ave NE, 384 linear feet along Sports Field Dr, 286 linear feet on the south boundary and 254 feet at the north property line. Although there are environmentally critical areas in Magnuson Park, none extend onto the parcel under analysis.

Public Comment:

The extended comment period ended August 1, 2012. Other than the request for an extend period to receive public comment, DPD did not receive any correspondence.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, the Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition, or deny a short plat.

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees.*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouse, rowhouse, and cottage housing developments, as permitted in Single-Family, Residential Small Lot, and Lowrise zones, and for single-family dwelling units in Lowrise zones, or any combination of the above types of residential development, as permitted in the applicable zones; and;*
8. *Conformance to the provisions of Section 23.24.046, Multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two or more lots from one lot with more than one existing single-family dwelling unit.*
9. *Every lot except unit lots and lots proposed to be platted for individual live-work units in zones where live-work units are permitted, shall conform to the following standards for lot configuration, unless a special exception is authorized under subsection 23.24.040.B:*
 - a. *If a lot is proposed with street frontage, then one lot line shall abut the street for at least 10 feet; and*
 - b. *No lot shall be less than 10 feet wide for a distance of more than 10 feet as measured at any point; and*

- c. *No proposed lot shall have more than six separate lot lines. The lot lines shall be straight lines, unless the irregularly shaped lot line is caused by an existing right-of-way or an existing lot line; an*
- d. *If the property proposed for subdivision is adjacent to an alley, and the adjacent alley is either improved or required to be improved according to the standards of Section 23.53.030, then no new lot shall be proposed that does not provide alley access, except that access from a street to an existing use or structure is not required to be changed to alley access. Proposed new lots shall have sufficient frontage on the alley to meet access standards for the zone in which the property is located.*

Summary - Short Subdivision

Based on information provided by the applicant, referral comments from DPD, Water (SWD), Fire Department (SFD), Seattle City Light, and Parks and review by the Land Use Planner, the above cited criteria have been met subject to the conditions imposed at the end of this decision. The lots to be created by this short subdivision will meet all minimum standards or applicable exceptions of the set forth in the Land Use Code, and are consistent with applicable development standards. As conditioned, this short subdivision can be provided with vehicular access, public and private utilities and access (including emergency vehicles). Adequate provisions for drainage control, water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. The proposed plat maximizes the retention of existing trees and preserves the four exceptional trees on the two parcels. The public use and interest are served by the proposal since all applicable criteria are met and the proposal creates the potential for additional housing opportunities in the City. The analysis below for the special exception and variance explain the reasoning why the project does not specifically meet 9.c. The multiple lot lines and the curve respond to pre-existing conditions in the Sand Point Naval Air Station Landmark District.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

ANALYSIS – SPECIAL EXCEPTION

The Director may modify the standards of subsection 23.24.040.A.9, as a Type II special exception decision, if the applicant demonstrates that the proposed plat meets the following criteria:

1. *The property has one of the following conditions not created by the applicant:*
 - a. *Natural topographic features or natural obstructions prevent the platting of one or more lots according to the standards of subsection 23.24.040A.9;*
 - b. *Location of existing principal structures that are retained on lots existing prior to the proposed platting require a platting configuration of one or more lots that cannot reasonably meet the standards of subsection 23.24.040A.9;*

- c. Location of existing easements or feasibility of access to portions of the property prevents the configuration of proposed plat lines that meet the standards of subsection 23.24.040A.9.*

Pre-existing driveways, roadways and easements within the Sand Point Naval Air Station Landmark District require a platting configuration that cannot reasonably be met by the standards of subsection 23.24.040A.9.

- 2. Modification of the standards of subsection 23.24.040A.9 shall be the minimum necessary to allow platting of lots that each contain a building area for development meeting the development standards of the zone in which the proposed plat is located.*

Based on the configuration of driveways and roadways, the requirement to achieve the minimum modification necessary for platting of the lots is met.

- 3. Lots created under the special exception standards of this subsection 23.24.040B shall not have a configuration that requires a variance from setbacks and yard requirements of the Land Use Code or a variance or exception from the Regulations for Environmentally Critical Areas for any development that may be proposed on the lots.*

The proposed configuration of parcels does not require a variance from setbacks or a variance from the Environmentally Critical Areas' regulations.

DECISION – SPECIAL EXCEPTION

Special exception to allow for more than six lot separate lot lines and for curved lot lines is **GRANTED**.

ANALYSIS - VARIANCE

Variances from the provisions or requirements of the Land Use Code shall be authorized only when all of the following facts and conditions are found to exist:

- 1. Because of unusual conditions applicable to the subject property including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity; and*

Parcel B is located in the Sand Point Naval Air Station Landmark District at Magnuson Park. The access driveway and public street, 62nd Ave NE, are an intrinsic part of the original Naval Base site layout and character. The existing planting island in the 62nd Ave NE right of way narrows the paved public roadway surface to twenty feet, which does not meet the requirements of Seattle Department of Transportation and DPD for right of way and pavement width. Compliance creates regulatory conflicts with three city departments SDOT/DPD regulations and Department of Neighborhoods Landmark's designation. Widening of 62nd Ave NE would diminish the character of the landmark district and deprive those who reside, work and visit the district of rights and privileges of an historic neighborhood. Thus, the surroundings (the historic district which includes buildings streets, pathways and landscape), which were not created by the owner or applicant amount to an unusual condition.

2. *The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located; and*

The existing driveways and public right of way currently serving the new and existing low income housing are twenty feet wide. The request to allow the existing historic conditions to remain is not inconsistent with the limitations upon other properties in the District as the regulations intended to preserve the historic character of the former naval air station apply to owners and applicants throughout this special district.

3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located; and*

The calculations determining road width do not necessarily apply to areas within parks and historic districts. It can be argued that the reduced demand for private transportation of the low income residents would vitiate the engineering requirements for roadway width based on user demand. Allowing the existing 20' wide access driveway to remain will not create a material detriment to the public welfare or be injurious to other properties in the landmark district.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties; and*

The existing streets and driveways form an essential part of the fabric of the Landmark district. To require that the applicant widen the paved area of the driveway will create an unwanted and unique condition not found anywhere else in the district.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.*

Granting the variance would allow the existing conditions to remain and thus be consistent with preserving the character of the new Landmark District. In this way, granting the variance for the 20 foot existing paved driveway width would meet the overall goals of the Land Use Code.

The variance request appears consistent with the spirit and purpose of the Land Use Code.

DECISION – VARIANCE

Variance to allow less than the required width for vehicle access is **GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Add the following condition of approval to the face of the plat:

All facilities, buildings or portions of buildings hereafter constructed or moved onto any of these proposed parcels must comply with the then current Seattle Fire Code Chapter 5 and referenced appendices. Depending on location of future structures on the lots, these provisions may require approved fire department vehicle access roads, turnarounds, water supplies for fire protection, and other possible fire protection related items prior to approval of building permit.

Signature: (signature on file)
Bruce P. Rips, Sr. Land Use Planner
Department of Planning and Development

Date: August 27, 2012